

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, by  
LETITIA JAMES,  
Attorney General of the State of New York,

Plaintiff,

v.

PENNSYLVANIA HIGHER EDUCATION  
ASSISTANCE AGENCY, d/b/a  
FEDLOAN SERVICING and AMERICAN  
EDUCATION SERVICES,

Defendant.

Case No. 19-cv-9155 (ER)

**NOTICE OF MOTION TO  
COMPEL PRODUCTION OF  
DOCUMENTS PURSUANT TO  
FED. R. CIV. P. 37**

PLEASE TAKE NOTICE that, for the reasons set out in the accompanying Memorandum of Law, plaintiff the New York Attorney General's Office ("NYAG") moves pursuant to Federal Rule 37 to compel defendant Pennsylvania Higher Education Assistance Agency ("PHEAA") to produce documents created during the period of October 3, 2013 and August 26, 2016 that are responsive to NYAG's First Amended Request for Production of Documents and Electronically Stored Information, dated June 23, 2020 ("the RFP"), attached to accompanying Memorandum of Law, as Exhibit A.<sup>1</sup>

NYAG certifies, pursuant to Federal Rule 37(a), that NYAG has, in good faith, met and conferred with PHEAA regarding production of documents created during the period of October

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<sup>1</sup> NYAG exempts documents related to the deferment option for borrowers suffering from cancer (the "Cancer Deferment") from this motion. In contrast to the income-driven repayment and Public Service Loan Forgiveness programs, which PHEAA has administered for more than a decade, the Cancer Deferment first became available in September 2018. Accordingly, NYAG does not seek documents related to the Cancer Deferment for the October 3, 2013 through August 26, 2016 period.

3, 2013 through August 26, 2016. The parties have been unable to reach a resolution concerning production of those documents. Accordingly, NYAG respectfully requests that the Court grant its motion and compel PHEAA to produce the requested documents created in the period of October 3, 2013 through August 26, 2016.

Dated: March 25, 2021

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